

REMARKS

The Applicant appreciates the Examiner's thorough review of the Application.

Reconsideration and allowance of all claims are respectfully requested. The Specification has been amended as suggested by the Examiner to overcome the objections and for clarification of passages that were imperfectly translated. The changes to Page 2 reflect the improved wording as found in Claim 1.

Claims 1, 6, and 11 have been amended for clarity of language. No new matter is added by the amendments. Claims 1 - 14 remain pending in the application, including independent Claims 1, 6, and 11.

Claims 6 - 9 and 11 - 14 are patentable under 35 U.S.C. 102(b) over Hoyt (U.S. Patent 742,989).

The present invention is a closing sleeve for tunnels of folding curtains that attaches to strengthening rods in those tunnels. At the other end of the strengthening rod the tunnel may be sewn closed. The closing sleeve has pointed projections at one end that prick through the wall of the tunnel towards the end of the tunnel and exert force on it, stretching and closing it. Thus, high quality of the curtains is maintained, with no openings or strengthening rods being visible. When the strengthening rod must be removed for cleaning, a narrow object such as a toothpick is inserted between the sides of the closed tunnel and pushes the pointed projections into a second position where they do not push through the wall of the tunnel. The tunnel is therefore opened and allows for the strengthening rod to be removed.

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly

described therein or under the principle of inherency. Lewmar Marine Inc. v Barient Inc., 3 USPQ2d 1766, 1767-1768 (Fed. Cir. 1987) (emphasis added). The absence from a prior art reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 230 USPQ 81, 84 (Fed. Cir. 1986).

Independent Claims 6 and 11 are distinguished from Hoyt at least in that they teach a strengthening rod having a number of pointed projections at least at one extremity and in that the projections are pricking through the wall of the tunnel in order to close the tunnel. Hoyt is a window-shade fixture that provides an even tension on a window shade, prevents it from bellying when exposed to the wind, and maintains the bottom of the shade in a horizontal position (Col. 1). "The novel feature of the construction described [consists] in the separate, adjustable, and yielding fixtures located upon the opposite sides of the shade." (Col. 3, lines 1-6) Hoyt is a completely different invention with a completely different purpose, structure, and function. Hoyt does not teach or suggest pointed projections pricking through the wall of the tunnel in order to close the tunnel.

The Examiner argues that "Hoyt '989 discloses a folding curtain (21) comprising... a number of pointed projections (top and bottom portions of 24) and that the tunnel is closed off by pricking the projections through the wall of the tunnel. (the projections extend out of the tunnel end wall via the rod 26)" Applicant cannot agree. Head 24 is not and does not have pointed projections. Nothing in Hoyt teaches or suggests otherwise. Figure 3 is a cross section and Figure 1 shows that the head 24 has a dull, gently rounded top and bottom.

The tunnel in the bottom area of the window shade 21 in Hoyt is not crosswisely closed at its vertical side edges. Indeed, the element 24 in Hoyt is never in contact with these side edge areas. In this way they cannot prick through the tunnel wall ends which are indeed part of the

curtain fabric in these side edge areas. In Hoyt the curtain in its lower tunnel area stays only in some contact with the bar 26. As a consequence it is clear that the spring arrangement of Hoyt cannot produce a tension on the fabric parallel to the bar and the fabric tunnel. In Hoyt the element called a tunnel is clearly not closed off as seen in Figure 2. Rather, the so-called tunnel is wide open at the ends, leaving the opening and inner shade-bar and device completely exposed. This is because in Hoyt there are no pointed projections pricking through the wall of a tunnel to close it. A head 24 designed to slide up and down guide-rods 25 that never gets near or touches a curtain cannot be said to prick through the walls of a tunnel. Clearly the ends of head 24 do not prick through the walls of a tunnel.

Applicant believes that this point has been adequately explained, but should the Examiner have any doubt about the operation or structure of the invention, Applicant urges the Examiner to call Applicant's Counsel at the number given in the signature block. If this language is for any reason unclear to the Examiner, Applicant respectfully requests that the Examiner identify how it is unclear, and if possible provide a proposed clarifying amendment so that the Application may be disposed of expeditiously.

As a consequence of the lack of pointed projections pricking through the walls of a tunnel in Hoyt, it also is not possible in Hoyt to produce a tension on the fabric parallel to the bar and the fabric tunnel. This parallel tension in the present Application is one of the most important and advantageous features of the invention.

Claims 7 - 9 and 12 - 14 depend from independent and patentable Claims 6 and 11 and add further patentable limitations. For at least the above reasons, the rejection of Claims 6 - 9 and 11 - 14 under 35 U.S.C. 102(b) over Hoyt is improper and should be withdrawn.

Claims 1 - 5 and 8 are patentable under 35 U.S.C. 103(a) over Hoyt (U.S. Patent 742,989).

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Claim 8 depends from independent and patentable Claim 6, discussed above, and adds the further patentable feature that the projections are part of a terminal element provided on the strengthening rod. No reference teaches or suggests this feature. The Examiner argues about a limitation of "wherein the projections are made of synthetic material," however no such limitation is found in Claim 8. Applicant believes that the Examiner is referring to Claim 10, which also depends from and shares the patentable limitations of independent Claim 6 and is therefore patentable as well.

Independent Claim 1 is distinguished from Hoyt at least in that it teaches that a strengthening rod is provided in the tunnel, comprising at least at one extremity a number of pointed projections, and that the tunnel is closed by pricking the said projections through the wall of the tunnel. As explained above, Hoyt does not teach or suggest any of these claim limitations. Claims 2 - 5 depend from Claim 1 and add further patentable limitations.

At least because Hoyt does not teach or suggest all the claim limitations, the rejection of Claims 1 - 5 and 8 under 35 U.S.C. 102(b) in view of Hoyt is improper and should be withdrawn.

CONCLUSION

Reconsideration and allowance of all claims are respectfully requested.

Respectfully,



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